

Atty. Dkt. No. 00CR156/KE

REMARKS

Applicants respectfully request reconsideration of the present application in view of the foregoing amendments and in view of the reasons that follow.

Claims 10, 14, and 16 are currently being amended.

This amendment adds, changes and/or deletes claims in this application. A detailed listing of all claims that are, or were, in the application, irrespective of whether the claim(s) remain under examination in the application, is presented, with an appropriate defined status identifier.

After amending the claims as set forth above, claims 1, 3-12, 14, and 16-21 are now pending in this application.

In Section 1 of the Office Action, the Examiner objected to informalities in claims 10, 14, and 16. Claims 10, 14, and 16 have been amended based on the Examiner's suggestions. Reconsideration and withdrawal of the objections to claims 10, 14, and 16 is respectfully requested.

In Section 3 of the Office Action, the Examiner rejected claims 1, 3-8, 10-12, 14, and 17-21 under 35 U.S.C. §102(e) as being anticipated by U.S. Application No. 2003/0081592 to Krishnarajah et al. (hereinafter "Krishnarajah"). Applicants respectfully traverse the rejection.

Claim 1 recites "identifying important bits and less important bits within the file stream, the important bits being those of which corruption will disrupt an entire frame of the file stream" and "placing the important bits in the one of the two streams having the higher quality of service level." Similarly, Claim 14 and amended Claim 10 recite "identifying bits that must be correctly received by the receiving device for a successful transmission." The Examiner states that Krishnarajah teaches that "different classes of bits and how unequal error protection is applied to the class of bits based on which bits (important bits) cause corruption to a particular frame." However determining how unequal error protection is applied to classes of bits does not teach

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identifying important bits that must be received for successful transmission to be placed on a stream having a higher quality of service as recited in the rejected claims. Krishnarajah does not teach every element of independent claims 1, 10, and 14.

Further, Krishnarajah actually teaches away from the methods of Claims 1, 10 and 14. Krishnarajah identifies particular classes of bits for the application of unequal error protection. The unequal protection is used to prevent corruption of these important bits. Accordingly, one of ordinary skill in the art, using a first method to reduce corruption of these important bits, would have less need to utilize a stream having a higher quality of service for those same bits. Utilizing a second method increases the transmission cost and only provides an incremental benefit in view of the first method. Krishnarajah further does not suggest every element of independent claims 1, 10, and 14.

Accordingly, Claims 1, 10 and 14 are not taught or suggested by Krishnarajah. Reconsideration and withdrawal of the rejection of Claims 1, 10 and 14 is respectfully requested.

Claims 3-8 depend from claim 1 and include all of the limitations thereof. Claims 11-12 depend from claim 10 and include all of the limitations thereof. Claims 17-21 depend from claim 14 and include all of the limitations thereof. These claims are allowable for at least the same reasons as the independent claims from which they depend. Reconsideration and withdrawal of the rejection of claims 2-8, 11-12, and 17-21 is respectfully requested.

In Section 6 of the Office Action, the Examiner rejected claims 9 and 16 under 25 U.S.C. §103(a) as being unpatentable over Krishnarajah. Applicants respectfully traverse these rejections.

Claim 9 recites "a received signal quality is improved as much as 2dB to 5dB on noisy transmission channels without causing additional delays in the transmission." The Examiner stated that "it would have been obvious to someone skilled in the art to use the packet classification and unequal error protection teachings of Krishnarajah in order to improve the

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signal quality to some degree.” However, the Examiner has not put forth any showing of a motivation to improve the signal quality or any teaching in any reference of a need to improve the signal at this level. Accordingly, every element of claim 9 is not taught or suggested by Krishnarajah. Reconsideration and withdrawal of the rejection of claim 9 is respectfully requested.

Claim 16 recites that “the identified bits that are to be discarded include sounds beyond the range of human hearing or sounds overwhelmed by other sounds for audio transmissions, white lines or extremely fine detail within an image, white lines between lines of text on a page, and identically shaded pixels within an image.” The examiner has not provided any teaching showing that the above types of bits should be identified as less important. A general statement about dividing of payload data based on importance is not a teaching or suggestion of all possible divisions that could be performed. Accordingly, every element of claim 16 is not taught or suggested by Krishnarajah. Reconsideration and withdrawal of the rejection of claim 16 is respectfully requested.

Applicants believe that the present application is now in condition for allowance. Favorable reconsideration of the application as amended is respectfully requested.

The Examiner is invited to contact the undersigned by telephone if it is felt that a telephone interview would advance the prosecution of the present application.

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The Commissioner is hereby authorized to charge any additional fees which may be required regarding this application under 37 C.F.R. §§ 1.16-1.17, or credit any overpayment, to Deposit Account No. 18-1722. Should no proper payment be enclosed herewith, as by a check being in the wrong amount, unsigned, post-dated, otherwise improper or informal or even entirely missing, the Commissioner is authorized to charge the unpaid amount to Deposit Account No. 18-1722. If any extensions of time are needed for timely acceptance of papers submitted herewith, Applicants hereby petition for such extension under 37 C.F.R. §1.136 and authorizes payment of any such extensions fees to Deposit Account No. 18-1722.

Respectfully submitted,

Date December 8, 2005By Kyle Eppeler

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